

Introduced by Committee on Environmental Quality (Senators Lowenthal (Chair), Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Runner, and Simitian)

February 22, 2005

An act to amend Sections 115843.3 and 115843.5 of the Health and Safety Code, relating to reservoirs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 979, as introduced, Committee on Environmental Quality. Recreational uses of reservoirs.

Existing law prohibits the recreational use of reservoirs where water is stored for domestic use and defines recreational use for this purpose to include recreation in which there is bodily contact with the water by a participant.

Existing law exempts certain reservoirs from this prohibition, including, but not limited to, Bear Lake Reservoir and Canyon Lake Reservoir, and sets forth conditions and restrictions to ensure water purity.

This bill would, for the Bear Lake Reservoir and the Canyon Lake Reservoir, delete the requirement that the State Department of Health Services consult with the entity operating the reservoir at least 60 days prior to the effective date of any additional conditions or restrictions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 115843.3 of the Health and Safety Code is amended to read:

115843.3. (a) In the Bear Lake Reservoir, recreational uses shall not include recreation in which any participant has bodily contact with the water, unless all of the following conditions are satisfied:

(1) The water shall receive ongoing complete water treatment, including coagulation, flocculation, sedimentation, filtration, and disinfection, or an alternative filtration system that provides an equivalent degree of pathogen removal in compliance with all applicable department regulations before being used for domestic purposes. The disinfection shall include, but is not limited to, ozonation or ultraviolet disinfection capable of inactivating organisms including virus, cryptosporidium, and giardia, to levels that comply with department regulations.

(2) The Lake Alpine Water Company conducts a monitoring program for total coliform bacteria, which includes *E. coli* and fecal coliform, at the reservoir intake at a frequency determined by the department.

(3) The reservoir is operated in compliance with regulations of the department.

(b) The recreational use of that reservoir shall be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir, or required by the department, that are required to further protect or enhance the public health and safety and do not conflict with regulations of the department. ~~The department shall, prior to requiring any additional conditions and restrictions, consult with the entity operating the water supply reservoir regarding the proposed conditions and restrictions at least 60 days prior to the effective date of those conditions and restrictions.~~

(c) The Lake Alpine Water Company shall file, on or before January 1, 2006, with the Legislature and the department, a report on the recreational uses at Bear Lake Reservoir and the water treatment program for that reservoir. That report shall include, but is not limited to, providing all of the following information:

1 (1) The estimated levels and types of recreational uses at the
2 reservoir on a monthly basis.

3 (2) The levels of methyl tertiary butyl ether taken at various
4 reservoir locations on a monthly basis, unless the use of
5 watercraft with gasoline-powered engines is prohibited.

6 (3) A summary of monitoring in the Bear Lake Reservoir
7 watershed for giardia and cryptosporidium.

8 (4) The sanitary survey of the watershed and water quality
9 monitoring plan.

10 (5) An evaluation of recommendations relating to removal and
11 inactivation of cryptosporidium and giardia.

12 (6) Annual reports provided to the department as required by
13 the water permit issued by the department.

14 (7) An evaluation of the impact on source water quality due to
15 recreational activities on Bear Lake Reservoir, including any
16 microbiological monitoring.

17 (8) A summary of any activities for operation of recreational
18 uses and facilities in a manner that optimizes the water quality.

19 (9) The reservoir management plan and the operations plan.

20 (10) The annual water reports submitted to the consumers each
21 year.

22 (d) If there is a change in operation of the treatment facility or
23 a change in the quantity of water to be treated at the treatment
24 facility, the department may require the entity operating the
25 water supply reservoir to file a report that includes, but is not
26 limited to, the information required pursuant to subdivision (c),
27 and the entity shall demonstrate to the satisfaction of the
28 department that water quality will not be adversely affected.

29 (e) This section shall remain in effect only until January 1,
30 2007, and as of that date is repealed, unless a later enacted
31 statute, that is enacted before January 1, 2007, deletes or extends
32 that date.

33 SEC. 2. Section 115843.5 of the Health and Safety Code is
34 amended to read:

35 115843.5. (a) In the Canyon Lake Reservoir, recreational
36 uses shall not include recreation in which any participant has
37 bodily contact with the water, unless both of the following
38 conditions are satisfied:

39 (1) The water subsequently receives complete water treatment,
40 in compliance with all applicable department regulations,

1 including coagulation, flocculation, sedimentation, filtration, and
2 disinfection, before being used for domestic purposes. The
3 disinfection shall include, but is not limited to, an advanced
4 technology capable of inactivating organisms, including, but not
5 limited to, viruses, cryptosporidium, and giardia, to levels that
6 comply with department regulations. By January 1, 2006, the
7 disinfection shall include, but not be limited to, ozonation or
8 ultraviolet disinfection in compliance with the federal
9 Environmental Protection Agency Long-Term 2 Enhanced
10 Surface Water Treatment regulations.

11 (2) The reservoir is operated in compliance with regulations of
12 the department.

13 (b) The recreational use may be subject to additional
14 conditions and restrictions adopted by the entity operating the
15 water supply reservoir or required by the department, if those
16 conditions and restrictions do not conflict with regulations of the
17 department, and are required to further protect or enhance the
18 public health and safety. ~~The department shall, prior to requiring~~
19 ~~any additional conditions and restrictions, consult with the entity~~
20 ~~operating the water supply reservoir regarding the proposed~~
21 ~~conditions and restrictions at least 60 days prior to the effective~~
22 ~~date of those conditions or restrictions.~~

23 (c) The Elsinore Valley Municipal Water District shall, by
24 January 1, 2007, file a report with the Legislature on the
25 recreational uses at Canyon Lake Reservoir and the water
26 treatment program. The report shall include, but not necessarily
27 be limited to, all of the following information:

28 (1) Participation in watershedwide activities to improve water
29 quality in the Canyon Lake Reservoir.

30 (2) Annual results of volatile organic compounds, general
31 minerals, and nutrients testing results provided to the department.

32 (3) A summary of available monitoring in the Canyon Lake
33 Reservoir provided to the department for giardia and
34 cryptosporidium.

35 (4) The most current sanitary survey of the watershed and
36 water quality monitoring plan.

37 (5) A summary of monthly reports provided to the department
38 on intake water bacteria and water quality.

39 (6) A summary of monthly reports provided to the department
40 on water usage in Canyon Lake Reservoir.

1 (7) An evaluation of the impact on source water quality due to
2 recreational activities on the Canyon Lake Reservoir, including
3 any microbiological monitoring, and a summary of monthly
4 reports provided to the department on treatment plant
5 performance.

6 (8) A summary of activities between Elsinore Valley
7 Municipal Water District and the Canyon Lake Property Owners
8 Association for operation of recreational uses and facilities in a
9 manner that optimizes the water quality.

10 (9) The reservoir management plan and the operations plan.

11 (10) The annual water quality reports submitted to consumers
12 each year.

13 (d) If there is a change in operation of the treatment facility or
14 a change in the quantity of water to be treated at the treatment
15 facility, the department may require the Elsinore Valley
16 Municipal Water District to file a report that includes, but is not
17 limited to, the information required pursuant to subdivision (c),
18 and the district shall demonstrate to the satisfaction of the
19 department that water quality will not be adversely affected.

20 (e) This section shall remain in effect only until January 1,
21 2008, and as of that date is repealed, unless a later enacted
22 statute, that is enacted before January 1, 2008, deletes or extends
23 that date.

24 SEC. 3. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety
26 within the meaning of Article IV of the Constitution and shall go
27 into immediate effect. The facts constituting the necessity are:

28 In order to ensure the purity of water intended for domestic
29 use, it is necessary that this act take effect immediately.